THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.20912 of 2005

Date:09.11.2005

Shaik Hussain.

--------PETITIONER

The Commissioner of Fisheries, Hyderabad and others.

---------RESPONDENTS

ORDER:

The petitioner was elected as the President of the Fishermen Cooperative Society, Mellacheruvu Village and Mandal, Nalgonda District. His term expired by May 2005. The elections were not held to elect the Managing Committee thereafter. The Deputy Registrar of the Societies appointed respondents 4 to 6 as person in-charge Committee, in relation to the said Society, through his proceedings, dated 27.09.2005. Before that date, the Fisheries Development Officer, 3rd respondent herein, addressed a letter, dated 19.08.2005, to the petitioner requiring him to deposit a sum of Rs.15,000/- towards expenses for conducting elections through secret ballot. The petitioner states that he cannot operate the funds of the Society and that such a huge amount is not necessary for conducting the elections at all. The petitioner also prays that the respondents be directed to hold the elections at the earliest.

Heard the learned counsel for the petitioner, the learned Government Pleader for Fisheries and the learned counsel for respondents 4 to 6.

It is not in dispute that the term of the elected Committee of the Society expired by May 2005. Under Section 31(2) of the Cooperative Societies Act 1964,

elections ought to have been conducted before expiry of the term. However, the elections were not held, on account of the lapses either on the part of the erstwhile Committee or the Department officials. Be that as it may, there exists a person in-charge committee comprising respondents 4 to 6. If they hold the elections to the Committee, it is not necessary for the Society to deposit any amount. To ensure fairness and transparency in the elections, respondents 2 and 3 can be required to supervise and guide the election process. The elections must be held in accordance with the voters' list, that existed as on the date of expiry of the term of the previous Committee.

For the foregoing reasons, the Writ Petition is disposed of, directing respondents 2 and 3 to fix an election programme, in such a way that the elections are concluded by 15.12.2005 and respondents 4 to 6 shall take necessary steps in coordination with respondents 2 and 3 for completing the election process by that date. There shall be no order as to costs.

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09.11.2005

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